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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,811	12/08/2005	Hasnne Fentrouci	Q92005	7346
23373 7590 09/10/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER YOUNKINS, KAREN L				
ART UNIT		PAPER NUMBER		
3751				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,811

Applicant(s)

FENTROUCI, HASNNE

Examiner

KAREN YOUNKINS

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/8/2005 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/8/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 12/8/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The references DE 10 95 757 and FR 2 792 701 have not been considered because a legible copy of these documents has not been provided. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inclined surface as set forth in claims 11 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
4. Claim 16 recites "an inclined surface". Claim 21 recites similar subject matter. Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 16-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
8. Claims 16 and 21 recite the limitation "the system forming a valve closure member" in pages 2 and 4 respectively. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 21 is unclear as to the relationship between the "two-way valve" on line 1 thereof, and the "two-way valve" on line 1 of claim 16. If these valves are one in the same, claim 21 is redundant to claim 16. Likewise, claims 22-25 are redundant to claims 17-20, respectively.
10. Claim 16 is unclear as to the relationship between the valve closure member of line 7 and the valve closure member of line 12. Currently, the applicant appears to be claiming two valve closure members (as set forth separately in lines 7 and 12), however only one valve closure member is disclosed in the specification. As such, for purposes of examination the examiner assumes the valve closure members of line 7 and 12 are one in the same.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 16-17, 20-22, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,296,011 to Esche et al. (Esche).

13. Esche teaches a pipe comprising a hose 20 connected to a two-way valve (10). The two-way valve (10) comprises a body inside which is a 'core'. A longitudinal water passage connecting an inlet and an outlet of the valve passes through the 'core', see figures 6-8. The valve 10 comprises an actuating system with a valve closure member (69/61). Means for guiding the actuating system in the core of the valve and means for returning the actuating system to a rest position are both achieved by the movement of 14 against 69. When 14 presses upon 69, 69 and 61 slide inward along the open tubular shaped passage as claimed. The actuating system also includes an o-ring (65) as claimed. The valve closure member has an 'upper portion' projecting out of the valve body (see figure 6). The means for returning comprises a spring (72) crossing the passage perpendicularly with respect to the hose and pressing the actuating system towards its rest position. A first portion of the spring (72) is placed in an interior housing of the actuating system (at 61), and a second portion of said spring is placed in a housing of the core at the end of the passage opposite the actuating system, see figures 6-8.

14. The initial statements of intended use (claim 16 lines 1-2 and claim 21 lines 1-3), and all other functional implications related thereto, have been fully considered but do not appear to impose any patentably distinguishing structure over that disclosed by Esche. It is noted that the pipe of Esche is capable of being used as a shower pipe, although Esche discloses use within a sink system, making hose 20 a 'shower hose' to the extent claimed.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 18-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esche in view of USPN 6,227,464 to Allmendinger et al. (Allmendinger).

17. As previously discussed in pp-13 above, further Esche fails to show the two-way valve comprising two or more actuating systems as claimed. Instead, Esche teaches a single actuating system being used to activate the two-way valve.

Allmendinger teaches the use of two activating systems (via buttons 22) in a water pipe. The two activating systems are designed to be project outside of the valve body on opposite sides of the valve body, and guide portions in and out longitudinally to operate the valve in a certain way. As the activating systems move in and out of the

valve body they move closer towards one another as claimed as they are disposed on opposite sides of the valve body and control the dispensing of water by at least partially blocking the water flow. Allmendinger further teaches that having multiple activating systems allows for operation of the system in different modes, in the case of Allmendinger the valve may operate in spray or shower modes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the design of Esche to have two actuating systems as taught by Allmendinger to allow for the system to operate in two modes instead of the one as taught by Esche.

18. Esche teaches a first portion of the spring disposed in an interior housing of an actuating system while a second portion of the spring (at the opposite side) is disposed at the opposite end of the valve body as discussed in pp-13 above. Therefore it would have been further obvious to have made a second portion of the spring to be accommodated in an interior housing of the second actuating system. This provides a simple system whereby the valve may be operated via the spring in two modes. For example, the two modes could be provided such that a different the amount of water is allowed to flow through the channel according to the use of the first or second actuating systems.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 7,150,415; and 6,738,996 teaches valves having

activating systems similar to the present disclosure. USPN 6,065,694 teaches a similar valve, and also teaches that it is well known in the art to use o-rings to secure mechanical connections from liquids. USPN 5,297,735 teaches plural coupling elements used when a shower sprayer is inserted into a complementary fitted holder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN YOUNKINS whose telephone number is (571)270-7417. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huyen Le/
Primary Examiner, Art Unit 3751

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/K. Y./

Examiner, Art Unit 3751